

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 533 – SB 1220

March 18, 2017

SUMMARY OF ORIGINAL BILL: Authorizes the Department of Transportation (TDOT) to maintain public access roads within state park boundaries that the Department of Environment and Conservation (TDEC) administers. Establishes that TDOT shall only maintain travel lanes and shoulders, drainage structures, bridges and abutments, retaining walls, tunnels, and traffic control devices. Establishes that maintenance of public roadway rights-of-way, including mowing and litter removal, as well as maintenance of golf cart paths, greenways, trails, campground roads, cabin road loops, parking lots, driveways, restricted access service roads, and any similar facilities outside of the public roadways remains the responsibility of TDEC, and that TDOT may perform any of this maintenance work on behalf of TDEC through an interagency agreement for which TDOT shall be reimbursed for performing such work.

Requires TDOT to develop and maintain an inventory of public access roads within each state park and prioritize maintenance projects in conjunction with TDEC. Authorizes TDOT to use state highway funds to fund such maintenance work. Authorizes TDOT to enter into agreements with counties or municipalities in which the state park is located to perform such maintenance and to reimburse such counties and municipalities for the costs of performing such maintenance work.

Creates the High Priority Bridge Replacement Program (HPBRP). Establishes that eligible bridges are those located on public roads under a local government jurisdiction and do not include bridges located on the state system of highways. Requires TDOT to establish criteria for selection of projects to be funded based on the numbers and structural condition of bridges identified through the National Bridge Inventory. Requires that funding for the HPBRP be separate from the state bridge grant program funding. Requires expenditures of such funds to be based on need as determined by TDOT. Authorizes the state share payable for a project to be up to 100 percent of the project cost as approved by TDOT. Authorizes TDOT to use federal, state, or local source funding to implement this program. Requires local governments to maintain such projects located within their jurisdictions.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds \$10,500,000/Highway Fund

Decrease Local Expenditures – Exceeds \$1,500,000

SUMMARY OF AMENDMENT (005182): Deletes the provision of the original bill that authorized TDOT to maintain public access roads within the boundaries of the state parks and replaces it with a new provision establishing that TDOT is responsible for maintenance of

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public roads and bridges within the boundaries of state parks. Authorizes TDOT to enter into agreements with counties and municipalities to perform work on public roads in state parks instead of public access roads.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:


Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The Governor's Executive Order No.39 from 1983 transferred the responsibility of all state park road maintenance from TDEC (then known as Department of Conservation) to TDOT.
- Based on the Attorney General Opinion No. 15-49, issued on June 8, 2015, and Opinion No. 00-100, issued on May 24, 2000, it is assumed that county roads inside state parks are being maintained by local entities.
- The proposed legislation will effectively add county roads to TDOT's maintenance responsibilities.
- According to TDOT, the maintenance responsibility for 65 county road miles in state parks is being transferred by this legislation from local governments to TDOT.
- Based on information provided by TDOT, the recurring cost of such maintenance is estimated to exceed \$500,000.
- The recurring decrease in local expenditures is estimated to exceed \$500,000.
- Based on information provided by TDOT, the HPBRP is estimated to result in a recurring increase in state expenditures from the Highway Fund exceeding \$10,000,000.
- The extent of any replacement and maintenance of such bridges that would be performed under current law by local governments is unknown. However, it is reasonably estimated that the HPBRP will result in a recurring decrease in local government expenditures exceeding \$1,000,000.
- The total recurring increase in state expenditures from the Highway Fund is estimated to exceed \$10,500,000 (\$500,000 + \$10,000,000).
- The total recurring decrease in local government expenditures is estimated to exceed \$1,500,000 (\$500,000 + \$1,000,000).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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